



JUDICIAL STANDARDS COMMISSION
STATE OF NORTH CAROLINA

FORMAL ADVISORY OPINION: 2009-05

April 3, 2009

QUESTION:

Is a sitting district court judge required to resign the judge's judicial office before becoming a candidate in a public primary or general election for the office of clerk of superior court?

COMMISSION CONCLUSION:

The Judicial Standards Commission concluded a judge is not required to resign the judge's judicial office before becoming a candidate in a public primary or general election for the office of clerk of superior court.

DISCUSSION:

Canon 7B(5) of the Code of Judicial Conduct provides a judge may “become a candidate either in a primary or in a general election for a judicial office provided that the judge should resign the judge's judicial office prior to becoming a candidate either in a party primary or in a general election for a non-judicial office”.

The office of clerk of superior court is a judicial office of the General Court of Justice as set forth in N.C. Const. art. IV, § 9 (3) and N.C. Gen. Stat. §7A, Art. 12.

Reference:

North Carolina Constitution

Article 12, § 9 (3)

North Carolina General Statutes

§7A, Art. 12

North Carolina Code of Judicial Conduct

Canon 7B(5)